

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Promote Policy  
and Program Coordination and Integration in  
Electric Utility Resource Planning.

Rulemaking 04-04-003  
(Filed April 1, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING  
ESTABLISHING A BRIEFING OUTLINE AND  
SETTING BRIEFING SCHEDULE**

Following the conclusion of evidentiary hearings on long term plans, this Administrative Law Judge (ALJ) ruling memorializes that post-hearing concurrent opening briefs are due October 18, 2004, and concurrent reply briefs are due November 1, 2004. Reply briefs, limited to 20 pages, will be accepted, but are not required. No responses to reply briefs will be accepted.

Attachment A to this ruling is a detailed briefing outline. To the extent possible, parties are to follow this outline in their opening briefs. If there is any section that is not applicable to a party, or the party does not wish to advance a position, it is acceptable to so indicate. If there are topics a party wishes to address that are not on the outline, the party may include them at the end of the brief in a section identified as "Other Issues."

As previously announced during the evidentiary hearings, San Diego Gas & Electric Company, Southern California Edison Company, and Pacific Gas and Electric Company are to prepare, and attach to their briefs, summaries of their long term plans. Furthermore, the utilities should specifically identify in their opening briefs what each wants the Commission to authorize in the decision.

Inclusion of proposed Findings of Fact, Conclusions of Law and Ordering Paragraph will also be helpful to the Commission.

**IT IS RULED** that the briefing outline and briefing schedule set forth in this ruling are to be followed.

Dated September 28, 2004, at San Francisco, California.

/s/ CAROL A. BROWN by LTC  
Carol A. Brown  
Administrative Law Judge

## **ATTACHMENT A**

### **DETAILED BRIEFING OUTLINE**

#### **A. Long-Term Plans And Their Integration With Other Proceedings. Do The Filed Plans Meet The Criteria Established In The ACR And Scoping Memo?**

1. General assessment of the utilities' long-term plans and their overall portfolio strategies. Proposed/forecasted additions to portfolio, timing of additions, etc. Argument concerning:

Load Forecast Scenarios

Other Forecasting Issues

Resource Scenarios

2. How The Utilities' Long-Term Plans Reflect Policies, Goals, And Outcomes From Other Umbrella Proceedings - Key Issues That Were (Or Will Be) Decided In The Following Proceedings:

Community Choice Aggregation, R.03-10-003

Demand Response, R.02-06-001

Distributed Generation, R.04-03-017

Energy Efficiency, R.01-08-028

Avoided Cost and QF Pricing, R.04-04-025

Renewable Portfolio Standards, R.04-04-026

Transmission Assessment Process, R.04-01-026

Transmission Planning, I.00-11-001

3. Integrated Generation And Transmission System Planning. Timing, Planning, Flexibility.

4. Implementing The Energy Action Plan (EAP) Loading Order. Cost-Effectiveness, Given Constraints Of Loading Order.

Energy Efficiency

Demand Response

Renewable Resources

Transmission Upgrades and Expansion

Distributed Generation

Other Resource Additions

5. Qualifying Facilities: Policy For Expiring QF Contracts

**B. Procurement Contracting Authority – AB-57 Fulfillment, Upfront Standards, Cost Recovery, And Rate-Making Issues.**

1. Short-Term Procurement Products, Processes, Authority, etc.

2. Medium-Term Procurement Products, Processes, Authority, etc.

3. Long-Term Procurement Products, Processes, Authority, etc.

**C. Policy Issues Related To LT Plans And Hearings**

1. Debt Equivalence – Should It Be Recognized For Evaluation Of PPAs?

2. Mechanism For Comparing PPAs To Utility Ownership

3. Potential Stranded Costs Due To Customer Load Uncertainty

4. Proposals Regarding Open And Transparent Competitive Bidding

Process

5. Procedures, Rules And Protocols, Including Independent Third-Party Evaluators

6. Affiliate Transactions

7. DWR Contract Allocation Or Re-Allocation

**D. Other Procurement Issues**

1. Resource Adequacy Matters Not Addressed In The Resource Adequacy Decision

2. Local Reliability As Part Of The Procurement Process

3. Bottom-Up Planning

**E. Compliance Matters**

1. Compliance Mechanism For Debt Equivalence And Its Use In The Bid Evaluation/Selection Process.

2. Utility Filings Demonstrating Compliance With Adopted Procurement Plans. Reporting Requirements, Streamlining Commission Review Process.

**F. Other Issues**

This section will address any issues within the scope of this proceeding not addressed elsewhere under this outline.

**(END OF ATTACHMENT A)**

**CERTIFICATE OF SERVICE**

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Establishing a Briefing Outline and Setting Briefing Schedule on all parties of record in this proceeding or their attorneys of record.

Dated September 28, 2004, at San Francisco, California.

/s/ ERLINDA PULMANO

Erlinda A. Pulmano

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.